

IN THE UNITED STATES DISTRICT COURT  
IN THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
CIVIL ACTION NO. 5:18-cv-541

WESTFIELD INSURANCE  
COMPANY,

Plaintiff,  
v.

COLIN CROSSMAN, DEANNA  
CROSSMAN AND MT  
CHARLESTON LANDLORD, LLC,

Defendants.

**NOTICE OF VOLUNTARY  
DISMISSAL WITHOUT  
PREJUDICE**

NOW COMES the Plaintiff, Westfield Insurance Company (“Westfield”), pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure and hereby dismisses **without prejudice** its Complaint against Colin Crossman and Deanna Crossman **only**.

Upon serving Colin and Deanna Crossman with a copy of the Complaint, the undersigned was contacted by bankruptcy counsel for Colin and Deanna Crossman and was informed that the Crossmans had both commenced a Chapter 11 bankruptcy proceeding on September 20, 2018 (EDNC Case No. 18-04668-5-DMW). Accordingly, 11 U.S.C. 362 imposed an automatic stay on actions against the Crossmans.

Nothing contained in this filing is intended to preclude Westfield from proceeding in this action against MT Charleston Landlord, LLC.

This the 27<sup>th</sup> day of November, 2018.

/s/ Jeffrey B. Kuykendal  
Jeffrey B. Kuykendal  
McAngus, Goudelock & Courie, PLLC  
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Charlotte, NC 28230  
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*Counsel for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on the date above I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. Additionally, I deposited a copy of the same in an official depository of the U.S. Mail in a postage-paid envelope addressed as follows:

Colin Crossman  
301 S. Academy Street  
Cary, North Carolina 27511-3345

Deanna Crossman  
301 S. Academy Street  
Cary, North Carolina 27511-3345

MT Charleston Landlord, LLC  
c/o Sierra Corporate Services – Las Vegas  
2300 West Sahara Avenue, Suite 1200  
Las Vegas, Nevada 89102

Further, I deposited a COURTESY copy of the same in an official depository of the U.S. Mail in a postage-paid envelope addressed as follows:

Kathleen O’Malley  
Janvier Law Firm  
311 E. Edenton Street  
Raleigh, North Carolina 27601

/s/ Jeffrey B. Kuykendal  
Jeffrey B. Kuykendal